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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,144	03/29/2001	Jin-Yong Joo	122990-05163098	3413

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EXAMINER

CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/763,144	Applicant(s) JOO, JIN-YONG	
	Examiner Jeffrey D. Carlson	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 4 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 4, 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the paper(s) filed 2/3/06.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3, 4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US6302162) in view of Harding (US6307544) and Hoyle (US6628314).** Burke teaches a client application that communicates with the Internet as a web browser [5:64-67, 7:33-38]. The user interface includes a web page display area 530 (text box) and screen areas 540 and 550 located above and below the text/web content box 530 [fig 5]. Burke teaches that the screen areas 540 and 550 are used for displaying advertisements and for displaying menu icons as a graphical user interface (GUI) to the browser software functions, such as those functions available within Netscape or IE [8:26-34]. While Burke teaches ads and menus in these screen regions, Burke does not teach dynamic display of them based upon the user's mousing properties. Harding teaches a GUI for a software application whereby when a user's mouse hovers over a particular area of the interface, menus dynamically appear in order to launch other applications or applets (i.e. program functionality) from them [3:10-21, 55-67, 4:1-5]. When the mouse leaves this toolbar region, the dynamically appearing menus disappear. It would have been obvious to one of ordinary

skill at the time of the invention to have provided the Burke's advertising content in the suggested screen areas and dynamically changed such screen regions to popup menus for further browser functionality when a user hovers the mouse in the area in order to provide an easy to user graphical user interface. Similarly, such dynamic menus would disappear when the user's mouse leaves the area, leaving the advertising to re-appear. Burke does not appear to teach where the advertising comes from. Hoyle also teaches a browser application that includes a built-in advertising display area. The ads of Hoyle are periodically downloaded from an advertising server when requested by the client application and then subsequently displayed in the ad area [19:1-4]. It would have been obvious to one of ordinary skill at the time of the invention to have downloaded ads to the client software of Burke periodically so that different, newer ads can be shown to the user.

Response to Arguments

4. Applicant argues that the invention displays an appearing ad when the mouse is moved out of the menu area and that Harding pops up a menu when the mouse is moved into the area. Burke teaches the desire for ads and menus in the same screen region. Harding teaches dynamically displaying and as well as dynamically disappearing program functionality items depending on the mouse location. Examiner believes it to be obvious to provide menus that appear when the mouse arrives and ads that appear (menus disappear) when the mouse leaves. Applicant argues that the invention features are provided "in order to reduce the amount on information displayed". While the prior art need not offer the same reasoning *why* the features are provided, it is believed that Harding indeed reduces the amount of information displayed by way of removing menu items when the cursor leaves the

area. Applicant's statement that Hoyle uses a built in advertising area located between the menu bars appears irrelevant. Perhaps applicant believes such to be true of Burke?

Examiner notes that figure 5 of Burke does not show an ad area between menu bars, but rather discloses that each of areas 540 and 550 each contain ads as well as menu icons.

5. Applicant lastly argues that Hoyle fails to teach ads being transmitted to the client at predetermined time intervals. Examiner points out that Hoyle does teach at least that the client PC performs requests for ads (an advertising update). Claim 8 can be met by the presence of either feature.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-

6716. The examiner can normally be reached on Mon-Fri 8a-5:30p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc